



0000127937

Transcript Exhibit(s)

Docket #(s): RR-D2635B-11-0125

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\_\_\_\_\_

Exhibit #: A1-A4, 51  
\_\_\_\_\_  
\_\_\_\_\_

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2011 AUG -1 A 9:46

RECEIVED

Arizona Corporation Commission

DOCKETED

AUG 1 2011

DOCKETED BY RDS

# THE ARIZONA REPUBLIC

STATE OF ARIZONA  
COUNTY OF MARICOPA } SS.

Mark Gilmore, being first duly sworn, upon oath deposes and says: That he is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic  
Zone 18 & 19

June 8, 2011

*[Signature]*

Sworn to before me this  
8<sup>TH</sup> day of  
June A.D. 2011

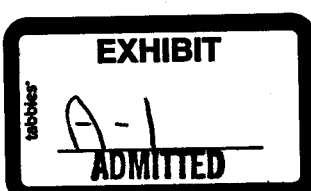
crossing on Northern Park-  
way above the tracks of the  
Burlington Northern Santa  
Fe Railway ("BNSF") in  
Maricopa County, Arizona  
("Application").  
The application is available  
for inspection during regu-  
lar business hours at the of-  
fices of the Commission in  
Phoenix, at 1200 West  
Washington Street, Phoenix,  
Arizona, and on the internet  
via the Commission website  
(www.azcc.gov) using the  
e-docket function.  
The Commission will hold a  
hearing on this matter com-  
mencing on July 18, 2011 at  
10:00 a.m., at the Commis-  
sion's offices, 1200 West  
Washington Street, Phoenix,  
Arizona. Public comments  
will be taken on the first  
day of the hearing.  
The law provides for an  
open public hearing at  
which, under appropriate  
circumstances, interested  
parties may intervene. In-  
tervention shall be per-  
mitted to any person entitled  
by law to intervene and hav-  
ing a direct and substantial  
interest in the matter. Per-  
sons desiring to intervene  
must file a written motion  
to intervene with the Com-  
mission, which motion  
should be sent to Applicant  
or its counsel and to all par-  
ties of record, and which, at  
the minimum, shall contain  
the following:  
1. The name, address and  
telephone number of the  
proposed intervenor and of  
any party upon whom ser-  
vice of documents is to be  
made if different than the  
intervenor.  
2. A short statement of the  
proposed intervenor's in the  
proceeding (e.g., a custom-  
er of Railroad, a neighboring  
property owner, a crossing  
user, etc.).  
3. A statement certifying  
that a copy of the motion to  
intervene has been mailed  
to the Applicant or its coun-  
sel and to all parties of re-  
cord in the case.  
The granting of motions to  
intervene shall be governed  
by A.A.C. R14-3-105, except  
that all motions to intervene  
must be filed on or before  
July 1, 2011. The granting of  
intervention, among other  
things, entitles a party to  
present sworn evidence at  
hearing and to cross-  
examine other witnesses.  
However, failure to inter-  
vene will not preclude any  
customer from appearing at  
the hearing and making a  
statement on such custom-  
er's own behalf.  
If you have any questions  
about this application, you  
may contact the applicant  
at 602-506-5992. If you wish  
to file written comments on  
the application or want fur-  
ther information on inter-  
vention, you may write the  
Consumer Services Section  
of the Commission at 1200  
West Washington Street,  
Phoenix, Arizona 85007 or  
call 1-800-222-7000 or ap-  
pear at the hearing and  
make comment.  
The Commission does not  
discriminate on the basis of  
disability in admission to its  
public meetings. Persons  
with a disability may re-  
quest a reasonable accom-  
modation such as a sign  
language interpreter, as  
well as request this docu-  
ment in an alternative for-  
mat, by contacting Shaylin  
Bernal, ADA Coordinator,  
voice phone number (602)  
542-3931; E-mail  
SABernal@azcc.gov. Re-  
quests should be made as  
early as possible to allow  
time to arrange the accom-  
modation.  
Published: June 8, 2011

**PUBLIC NOTICE OF THE  
HEARING IN THE MATTER OF  
THE APPLICATION OF THE  
MARICOPA COUNTY DE-  
PARTMENT OF TRANSPORTATION  
TO ESTABLISH A  
NEW GRADE SEPARATED  
PUBLIC RAILROAD CROSS-  
ING AT NORTHERN PARK-  
WAY ABOVE THE TRACKS  
OF THE BURLINGTON  
NORTHERN SANTA-FE RAIL-  
WAY IN MARICOPA COUN-  
TY, ARIZONA. (DOCKET NO.  
BR-426350-11-0125)**

On March 21, 2011, the  
Maricopa County Depart-  
ment of Transportation  
("MCDOT") filed with the  
Arizona Corporation Com-  
mission ("Commission") an  
application for the estab-  
lishment of a new grade  
separated public railroad

BRIAN BILLINGS  
Notary Public - Arizona  
1001 N. Central  
Phoenix, Arizona 85004

*[Signature]*  
Notary Public



# AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA                     )  
  ) ss.  
COUNTY OF MARICOPA             )

I, Carolyn Castillo of  
**THE GLENDALE STAR**

A newspaper of general circulation  
published and printed in the city of  
Glendale, County of Maricopa, State of  
Arizona, do solemnly swear that a copy of  
the notice, in the matter of

HEARING

Maricopa County Department of  
Transportation

Docket No. RR-02635B-11-0125

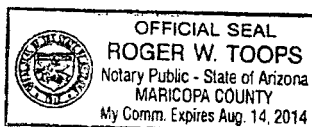
As per clipping attached, was published  
weekly in the regular and entire edition  
of the said newspaper, and not in any  
supplement hereof, for a period of 1  
consecutive week(s), as follows, to-wit:  
06/09/11

(s) Carolyn Castillo

Subscribed and sworn to before me, this  
9th day of June (year) 2011.

(s) [Signature]  
Notary Public

My commission expires:



שנה	מספר תלמידי תיכון	מספר תלמידי תיכון	מספר תלמידי תיכון
2010	1670	1670	1670
2011	1670	1670	1670
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2015	1670	1670	1670
2016	1670	1670	1670
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2093	1670	1670	1670
2094	1670	1670	1670
2095	1670		

מס' תעודת זהות	שם פרטי	שם משפחה	תאריך לידה	מס' תעודת זהות
7010	לכא	משה	0297	7010
7010	לכא	משה	0297	7010

2010 1670 0102 2010 1670 0102

2010 162

1.

010	:	7010	1670	7010	167	7010	1670	7010	1670	0000	1106	3724
010	:	7010	1670	7010	167	7010	1670	7010	1670	0000	1106	3724

מחזורי חורף  
מחזורי קיץ

6707

2010 1

070 167

1670

0702

7010 1677

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ADOT - RAILROAD LIAISON  
ATTN: ROBERT TRAVIS, PE  
205 So. 17th AVE.  
MD 618E Room 357  
PHOENIX, AZ 85007

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MARICOPA COUNTY  
FLOOD CONTROL  
ATTN: BURKE LOKEY  
2801 W. DURANGO ST.  
PHOENIX, AZ 85004

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

x Martin Garza

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CITY OF EL MIRAGE  
ATTN: LANCE CALVERT  
PUBLIC WORKS DIRECTOR  
12145 NW GRAND AVE  
EL MIRAGE, AZ 85335

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

EXHIBIT

A-2  
ADMITTED

tabbies

Is your RETURN ADDRESS completed on the reverse side?

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CITY OF PEORIA  
ATTN: ANDREW EWANGER, PE  
6401 W. MONROE  
PEORIA, AZ 85345

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> Registered                     | <input type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured   |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD       |

7. Date of Delivery

01/08/11

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

EMILY REAGS

6. Signature: (Addressee or Agent)

X *Emily Reags*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LUKE AFB - PUBLIC AFFAIRS  
14185 W. FALCON ST.  
LUKE AIRFORCE BASE, AZ  
85309

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

06/08/2011

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

CONSTANCE JOHNSON

6. Signature: (Addressee or Agent)

X *Constance Johnson*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CITY OF GLENDALE - DEPUTY  
TRANSPORTATION DIRECTOR  
DOT  
ATTN: TERRY JOHNSON  
5850 W. GLENDALE AVE  
GLENDALE, AZ 85301-  
2599

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> Registered                     | <input type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured   |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD       |

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Jody Thornhill

6. Signature: (Addressee or Agent)

X *Jody Thornhill*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Melvin V. Thomas, Manager  
Burlington Northern Santa Fe  
Railway Company  
740 E. Carnegie Dr.  
San Bernardino, CA 92408-3511

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- ☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

6/9/11

5. Received By: (Print Name)

*[Signature]*

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Brian Lehman, Chief  
Railroad Safety Section  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

4a. Article Number

7010 1670 0000 1106

4b. Service Type

- ☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8/2/00

5. Received By: (Print Name)

FRANK MCKELVIN

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Marcel Benberou, Manager  
Utility and Railroad Engineering  
Arizona Department of Trans  
205 S. 17<sup>th</sup> AVE., M/D 618E  
Phoenix, AZ 85007

4a. Article Number

7010 1670 0000 1106

4b. Service Type

☒ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Janice Alward, Chief Counsel  
Legal Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

4a. Article Number

7010 1670 0000 1106

4b. Service Type

☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

RON McKELVIE

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

# PARSONS

4801 East Washington Street, Suite 250 • Phoenix, Arizona 85034-2025 • (602) 852-9195 • Fax: (602) 952-9303 • www.parsons.com

May 19, 2011

Mr. Chris Watson  
Railroad Safety  
Arizona Corporation Commission  
2200 North Central Avenue, Suite 300  
Phoenix, AZ 85004

Mr. Charles H. Hains  
Attorney  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

**Re: Northern Parkway Phase 1 – Sarival Avenue to Dysart Road  
Maricopa County Department of Transportation Project No. TT195  
Responses to the First Set of Data Requests to Burlington Northern & Santa Fe  
Railway Company  
Docket No. RR-02635B-11-0125**

Below are the responses to the first set of data requests of the Arizona Corporation Commission staff dated April 19, 2011 regarding the above referenced Maricopa County Department of Transportation project.

1.1 Please provide any traffic studies done by the road authorities for the area.

**Response:** N/A

1.2 Please provide the population of the City the crossing is located in.

**Response:** The grade separated crossing structure is in Maricopa County with the immediately adjacent land in the City of Glendale. Per the City of Glendale's web site, the population per the 2010 census is 226,721. (See Attachment A)

1.3 Please provide distance, in miles, to the nearest public crossing on to the proposed project location.

**Response:** Olive Ave crossing is approximately a half mile north of the proposed crossing site. It is an at-grade crossing.

1.4 Please explain how and why grade separation was chosen as a proposal for this application? Please provide any studies that were done to support these answers.

**Response:** In the area of the crossing, Northern Parkway is to be fully access controlled with grade separated crossings proposed at each cross road between Loop 303 and 115<sup>th</sup> Avenue. No access will be provided at 143<sup>rd</sup> Avenue which parallels the BNSF tracks therefore a grade separated crossing is the preferred



alternative. No studies were performed to support the use of a grade separated crossing.

- 1.5 Please provide number of traveling lanes the new grade separation will provide. Please provide the cost for the overall grade separation project. If Federal money is being used, please state how much. If the railroad is contributing to the cost, please state how much. Please state if any other source of funding is being used to construct the grade separation and how much.

**Response:** The new grade separated structure will provide for a total of seven lanes with three lanes eastbound and westbound along with an acceleration lane in the westbound direction. Estimated cost for the grade separated structure is \$1,882,075. Federal money will fund 70% of the grade separated structure and will total \$1,317,453. BNSF is not contributing to the cost of this project. The remaining 30% will be funded from local sources including Maricopa County, City of Glendale, City of Peoria and the City of El Mirage.

- 1.6 Please describe what the surrounding areas are zoned for near this project. i.e. Are there going to be new housing developments, industrial parks etc.

**Response:** The parcels immediately surrounding the crossing are identified as AD-2 Airport District per the county and restricted due to the proximity of Luke Air Force Base. Parcels to the west and to the north of the crossing are identified as Rural-43 Rural Zoning District – 1 Acre per Dwelling Unit. Currently the area to the west of the tracks is farm land but industrial park development is anticipated. Areas to the north and east of the tracks are currently residential.

- 1.7 Please supply the following: number of daily train movements per day, speed of the trains, and the type of movements being made (i.e. thru freight or switching).

**Response:** Not enough information available to answer this question.

- 1.8 Please provide the names and locations of all schools (elementary, junior high and high school) within the area of the project. (See Attachment B)

**Response:** The BNSF crossing is in the Dysart Unified School District, No. 89. The following schools are part of this district within the project area:

**High School:**

Dysart High School, 11425 N Dysart Rd, El Mirage, 85335

Valley Vista High School, 15550 N Parkview Pl, Surprise, 85374

**Elementary Schools:**

Luke Elementary School, 7300 N Dysart Rd, Glendale, 85307

Dysart Elementary School, 12950 W Varney Rd, El Mirage, 85335

Rancho Gabriela Elementary School, 15272 W Gabriela Dr, Surprise, 85374

**1.9** Please provide school bus route information concerning the project, including the number of times a day a school bus crosses the track at this location.

**Response:** Per a phone conversation with Tracy Keily of the Dysart Unified School District Transportation Division, 143<sup>rd</sup> Ave is not part of the school district's bus route. The closest bus stop is at 143<sup>rd</sup> Ave and Olive Ave

**1.10** Please provide information about any hospitals in the area.

**Response:** The following hospitals are in the area of the crossing:  
Banner Del E Webb Medical Center – 14502 W. Meeker Boulevard, Sun City West, 85375  
West Valley Hospital – 13677 W. McDowell Road, Goodyear, 85395

**1.11** Provide any information as to whether vehicles carrying hazardous materials cross the track at this location and the number of times a day they might cross it.

**Response:** N/A

**1.12** Please provide the posted vehicular speed limit for the roadway.

**Response:** The posted speed limit along 143<sup>rd</sup> Ave, parallel to the tracks, is 15 MPH.

**1.13** Do any buses (other than school buses) cross the track at this location, and how many times a day do they cross?

**Response:** N/A

**1.14** Please provide an overall map/diagram of the proposed project.

**Response:** See Attachment C

Please contact me at (602) 734-1108 with any questions or if you need additional information regarding the above responses.

Sincerely,



Michael Wilke, P.E.  
Project Utility Coordinator

CC: Al Kattan – MCDOT Project Manager  
Kelly Roy – MCDOT Utility Coordinator  
File



## ATTACHMENT A

## CITY POPULATION

Departments	Services A-Z	City Officials	Residents	Visitors	Businesses	Online Services	Home
-------------	--------------	----------------	-----------	----------	------------	-----------------	------



[About Us](#) | [Annexation & Population](#) | [Board and Commissions](#) | [Design Review](#) | [Fees](#) | [General Plan](#)  
[Historic Preservation](#) | [North Valley Specific Area Plan](#) | [Subdivision of Land](#)  
[West Glendale Avenue Design Plan](#) | [Western Area Plan](#) | [Zoning](#)  
[LEED](#) | [FAQs](#) | [Contact Information](#) | [Home](#)

#### QUICK LINKS

- [ALL DEPARTMENTS](#)
- [ALL SERVICES](#)
- [Bid Opportunities](#)
- [Boards and Commissions](#)
- [City Clerk](#)
- [Community Services](#)
- [Development Services](#)
- [Economic Development](#)
- [En Español](#)
- [Events and Festivals](#)
- [From the Heart](#)
- [Glendale 11 TV](#)
- [Improvements](#)
- [Jobs with Glendale](#)
- [Library](#)
- [Online Bill Pay](#)
- [Online Services](#)
- [Parks and Recreation](#)
- [Press Room](#)
- [Video Library](#)
- [Volunteer!](#)

#### MEETING DATES, AGENDAS (MINUTE IN OPEN MEETING LAW)

- [Open Meeting Law \(pdf\)](#)
- [Public Meeting Dates/Agendas/Minutes](#)
- [Public Notices](#)

#### SEARCH

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#### OFFICE OF THE MAYOR



- [Mayor's Bulletins](#)
- [In the Community](#)
- [Home Page](#)

#### CITY COUNCIL



- [Council Members](#)
- [District News](#)
- [Home page](#)

#### CITY MANAGER



- [Meet Ed Beasley](#)
- [Contact Info](#)
- [Home Page](#)

#### OTHER USEFUL LINKS

- [America Supports You](#)
- [Arena](#)
- [Camelback Ranch-Glendale](#)
- [Downtown Dining District](#)
- [Glendale's Got Game](#)
- [Luke Air Force Base](#)
- [Pentagon Channel](#)
- [Recovery Programs](#)
- [Reservation Information](#)
- [Stadium](#)
- [VisitGlendale.com](#)
- [Westgate City Center](#)

## City of Glendale - Planning

### New - Sale of Fireworks in the City of Glendale

Arizona State House of Representatives Bill 2246 was signed into law May 10, 2010 and became effective December 1, 2010. This bill amended the state statutes to define and permit the sale of "consumer fireworks (s)." The below Zoning Interpretation Record clarifies where the permanent and temporary sale of consumer fireworks may take place in the City of Glendale. [Click here](#) to view it now (pdf).

### Glendale Zoning Ordinance

This Ordinance controls the land uses allowed for property and implements the General Plan. The Ordinance establishes many zoning districts that control the use and property restrictions such as height of buildings and structures, required building setbacks, density, coverage, and lot sizes. Processes are established for amending the Zoning Map or text, conditional use permits, sign review, and when there is need to apply for a variance to the property standards.

[Click here](#) to learn more about the Zoning Ordinance

### New - Proposed Medical Marijuana Zoning Ordinance Amendment - January 20, 2011

Proposition 203, the Arizona Medical Marijuana Act was approved by the voters on November 2, 2010. The act provides that cities may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specific areas. The proposition provides that the state Department of Health Services (DHS) shall complete rules for implementing the proposition within 120 days of the election being certified. This rulemaking is currently being implemented. To view the proposed statewide rules, please visit <http://azdhs.gov/prop203/>.

Thus a Zoning Text Amendment, ZTA10-01, was approved on February 22, 2011 to enact reasonable zoning regulations. The ordinance is scheduled to go into effect on March 25, 2011.

DHS and the writers of the proposition have taken the position that if a city does not enact new, reasonable zoning regulations, then Medical Marijuana shall be allowed everywhere in the city that is more than 500 feet from a school, without limits. Thus a Zoning Text Amendment, ZTA10-01, was approved on February 22, 2011 to enact reasonable zoning regulations.

Also at its February 22, 2011 meeting, City Council approved creation of a \$225 Medical Marijuana Site Review fee and a \$225 Location Reservation fee. A similar two-step process is currently used by the city for potential group home applications.

Prior to the ordinance going into effect, city staff are currently developing application forms for Medical Marijuana facilities.

Applications are being accepted beginning at 8am, March 25, 2011.

### [Click here to read a copy.](#)

- The Amendment proposes new definitions for the types of medical marijuana facilities described in the proposition.
- The Amendment proposes a new section of the General Development Standards of the zoning code to regulate Medical Marijuana.
- These new zoning standards include limiting the zoning districts medical marijuana facilities described in the proposition can be located in.
- They provide for a significant separation between each medical marijuana dispensary, off-site cultivation location, and infusion (or manufacturing) facility so that no concentration of these uses is permitted
- The proposed standards also require separations from residentially zoned property and schools.
- The proposed standards also address information required at time of application, facility size, and aspects of facility operation.

### Neighborhood Meeting:

On Thursday, January 6, 2011, staff hosted a neighborhood meeting to receive public comments about the proposed zoning ordinance amendment.



These proposed changes were considered by the Planning Commission at their January 20, 2011 Public Hearing. At that meeting, the Planning Commission recommended approval of the Zoning Text Amendment without any additional changes.

- To view Planning Commission agendas, [click here](#).
- To view video of the Planning Commission meeting, [click here](#).

### Leadership in Energy and Environmental Design (LEED)

Leadership in Energy and Environmental Design (LEED) is a green building certification system developed by the U.S. Green Building Council (USGBC) in 1998, which has become an internationally recognized benchmark for environmentally friendly building construction, operation, and maintenance.

#### Goals for LEED buildings include the following:

- Lower operating costs and increase asset value.
- Reduce waste sent to landfills.
- Conserve energy and water.
- Be healthier and safer for occupants.
- Reduce harmful greenhouse gas emissions.
- Qualify for tax rebates, zoning allowances and other incentives in hundreds of cities.
- Demonstrate an owner's commitment to environmental stewardship and social responsibility.

Key components of the LEED program are rating systems for nine types of buildings, four levels of certification to recognize the incorporation of materials, principles, and technologies into a project; and a program for professional accreditation. [More Info>>](#)

### Accelerated Entitlement & Design Review Application Process

The Planning Department is offering an Accelerated Application Process to facilitate timely review and application processing. All applications that meet certain criteria will be reviewed and scheduled for Planning Commission public hearing within ninety days. Entitlement process is a team effort and applicants/developers are part of this team. Timely submittals of revised plans and other material is expected to ensure Planning Department's objective of completing entitlement process within ninety days. Please email Tabitha Perry, Principal Planner, Current Planning, at [tperry@glendaleaz.com](mailto:tperry@glendaleaz.com). Click on the following links to get additional details and application procedure.

[Entitlement and Design Review Process](#)

[Entitlement and Design Review Process Flowchart](#)

### Glendale Avenue and Loop 101 Fast Facts

Get quick information about Westgate City Center, Jobing.com Arena, Marriott Renaissance, Conference & Media Center, Cable Studio & Parking Structure, Zanjero, Cabela's, University of Phoenix Stadium, Glendale Municipal Airport and Glendale Airpark. [Click here](#) (pdf)

### Planning Information Contact System

In an effort to provide citizens with optimal customer service, the Planning Department has created a dedicated telephone number and email address for planning related inquiries. Citizens who opt to leave a voice/email message can expect a staff response within a 24 hour period. Inquiries can be left at 623-930-3689 or via email at [planninginfo@glendaleaz.com](mailto:planninginfo@glendaleaz.com)

### Glendale 2025 - The Next Step

The City Council adopted on May 28, 2002, and the voters ratified the city's General Plan, which is the City Council's official policy statement to guide the physical development of the community. It is adopted by resolution and sets the vision of how the community should physically grow in the future. Any future rezoning request must be consistent with the General Plan. The City's Capital Improvement Program must also be consistent with the General Plan.

### Glendale Subdivision Regulations

The Subdivision Regulations are for the purpose of the division of property, urban design, and designating responsibility for various improvements. The process requires the submission of a preliminary plat for planning review, construction documents, and a final plat for City Council Approval.

### Annexation & Population

The City of Glendale has grown from one square mile in 1910 to over 59 square miles in 2011. This has been done through annexation of property from unincorporated Maricopa County to the city. State statutes sets forth a general procedure and the Planning Department helps to facilitate the process for property owners. The city has an adopted annexation policy to guide this process. According to the 2010 census, the population of Glendale is 226,721.

### Design Review

Design Review is critical to promote quality development that meets city's goals and is compatible with



These proposed changes were considered by the Planning Commission at their January 20, 2011 Public Hearing. At that meeting, the Planning Commission recommended approval of the Zoning Text Amendment without any additional changes.

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### Design Review

Design Review is critical to promote quality development that meets city's goals and is compatible with

surrounding areas. In general, any single-family, multi-residence, office, commercial, or industrial project would be subject to Design Review.

#### **Historic Preservation Plan and Ordinance**

The Plan sets forth the policy for historic preservation and the Ordinance establishes the Historic Preservation Commission, historic district, and administration.

#### **Banner Display Program**

New information on the city of Glendale's banner display program.

[Click here](#) for more information (PDF).



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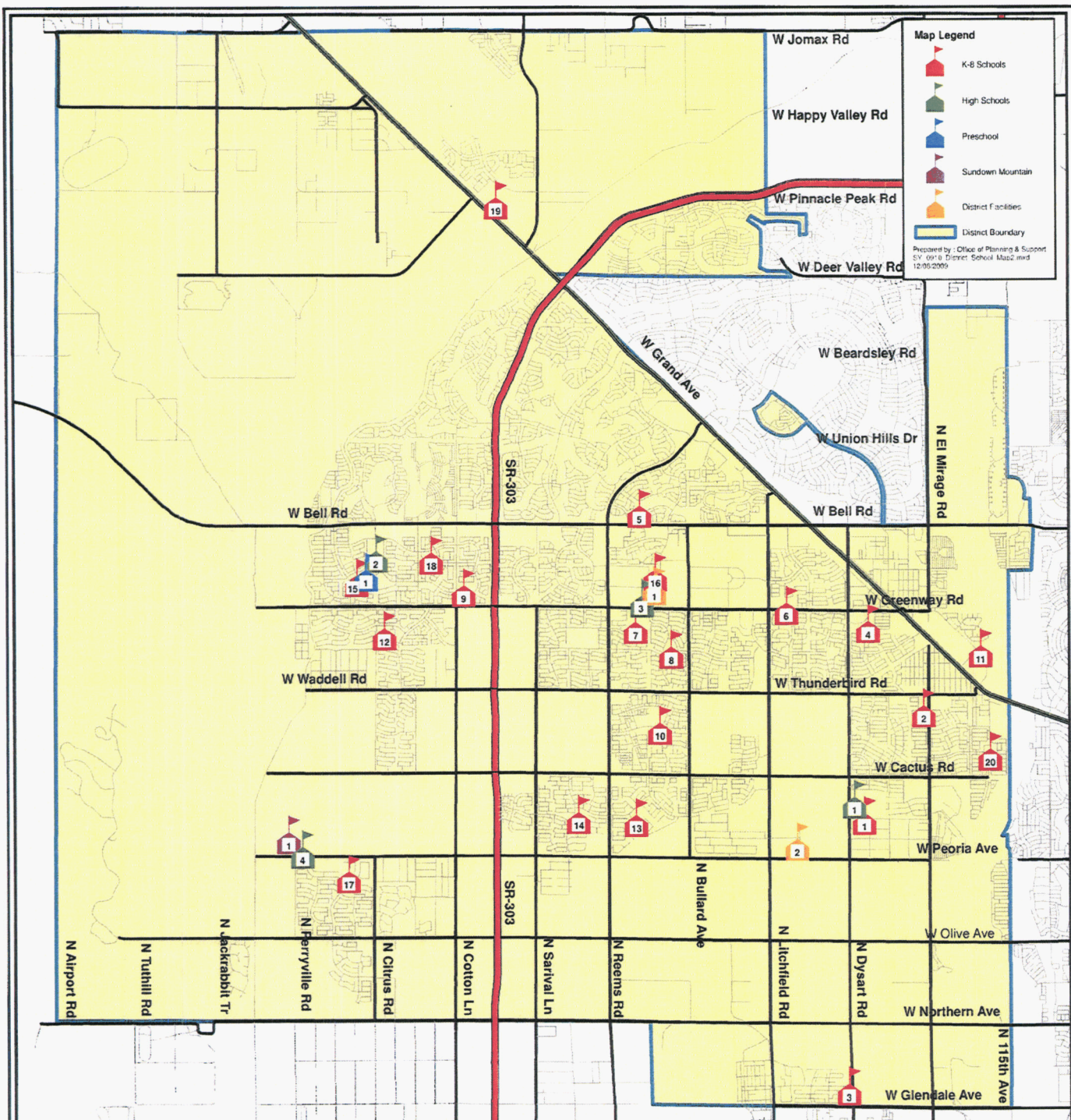
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## **ATTACHMENT B**

### **SCHOOL DISTRICT MAP**





**Map Legend**

- K-8 Schools
- High Schools
- Preschool
- Sundown Mountain
- District Facilities
- District Boundary

Prepared by: Office of Planning & Support  
SV 0918 District School Map2.mxd  
12/05/2009

**District Facilities**

1. **Dysart District Office** - 623.876.7000  
15802 N Parkway Pl  
Surprise, AZ 85374
2. **Dysart Support Services** - 623.876.7000  
13825 W Desert Cove Rd  
Surprise, AZ 85374

**K-8 Schools**

1. **Dysart Elementary** - 623.876.7100  
12950 W Varney Rd  
El Mirage, AZ 85335
2. **El Mirage Elementary** - 623.876.7200  
13500 N El Mirage Rd  
El Mirage, AZ 85335
3. **Luke Elementary** - 623.876.7300  
7300 N Dysart Rd  
Glendale, AZ 85307
4. **Surprise Elementary** - 623.876.7400  
12907 W Greenway Rd  
El Mirage, AZ 85335

5. **Kingswood Elementary** - 623.876.7600  
15150 W Mondell Rd  
Surprise, AZ 85374

6. **West Point Elementary** - 623.876.7700  
13700 W Greenway Rd  
Surprise, AZ 85374

7. **Countryside Elementary** - 623.876.7800  
15034 N Parkway Place  
Surprise, AZ 85379

8. **Ashton Ranch Elementary** - 623.523.8300  
14898 W Acoma Dr  
Surprise, AZ 85379

9. **Cimarron Springs Elementary** - 623.523.8600  
17032 W Surprise Farms Loop S  
Surprise, AZ 85388

10. **Marley Park Elementary** - 623.523.8200  
15042 W Sweetwater Rd  
Surprise, AZ 85379

11. **Thompson Ranch Elementary** - 623.523.8400  
11800 W Thompson Ranch Rd  
El Mirage, AZ 85335

12. **Sunset Hills Elementary** - 623.523.8700  
17825 W Sierra Montana Loop  
Surprise, AZ 85388

13. **Rancho Gabriela Elementary** - 623.523.8500  
15272 W Gabriela Dr  
Surprise, AZ 85374

14. **Sonoran Heights Elementary** - 623.523.8550  
11405 N Greer Ranch Pkwy  
Surprise, AZ 85379

15. **Western Peaks Elementary** - 623.523.8750  
18063 W Surprise Farms Loop S  
Surprise, AZ 85388

16. **Parkview Elementary** - 623.523.8650  
16066 N Parkway Pl  
Surprise, AZ 85374

17. **Mountain View School** - 623.876.7450  
18302 W Burton Ave  
Waddell, AZ 85355

18. **Canyon Ridge School** - 623.523.8450  
17359 W Surprise Farms Loop N  
Surprise, AZ 85388

19. **Desert Moon** - 623.523.8900  
25251 N 166th Dr  
Surprise, AZ 85387

20. **Riverview** - 623.523.8950  
12701 N Main St  
El Mirage, AZ 85335

**High Schools**

1. **Dysart High School** - 623.876.7500  
11425 N Dysart Rd  
El Mirage, AZ 85335
2. **Willow Canyon High School** - 623.523.8000  
17901 W Lundburg St  
Surprise, AZ 85388

3. **Valley Vista High School** - 623.523.8800  
15550 N Parkway Pl  
Surprise, AZ 85374

4. **Shadow Ridge High School** - 623.523.5100  
10909 N Perryville Rd  
Waddell, AZ 85355

1. **Dysart Preschool** - 623.876.7118  
17999 W Surprise Farms Loop S  
Surprise, AZ 85388

1. **Sundown Mountain Alternative Program** - 623.876.7250  
10909 N Perryville Rd  
Waddell, AZ 85355





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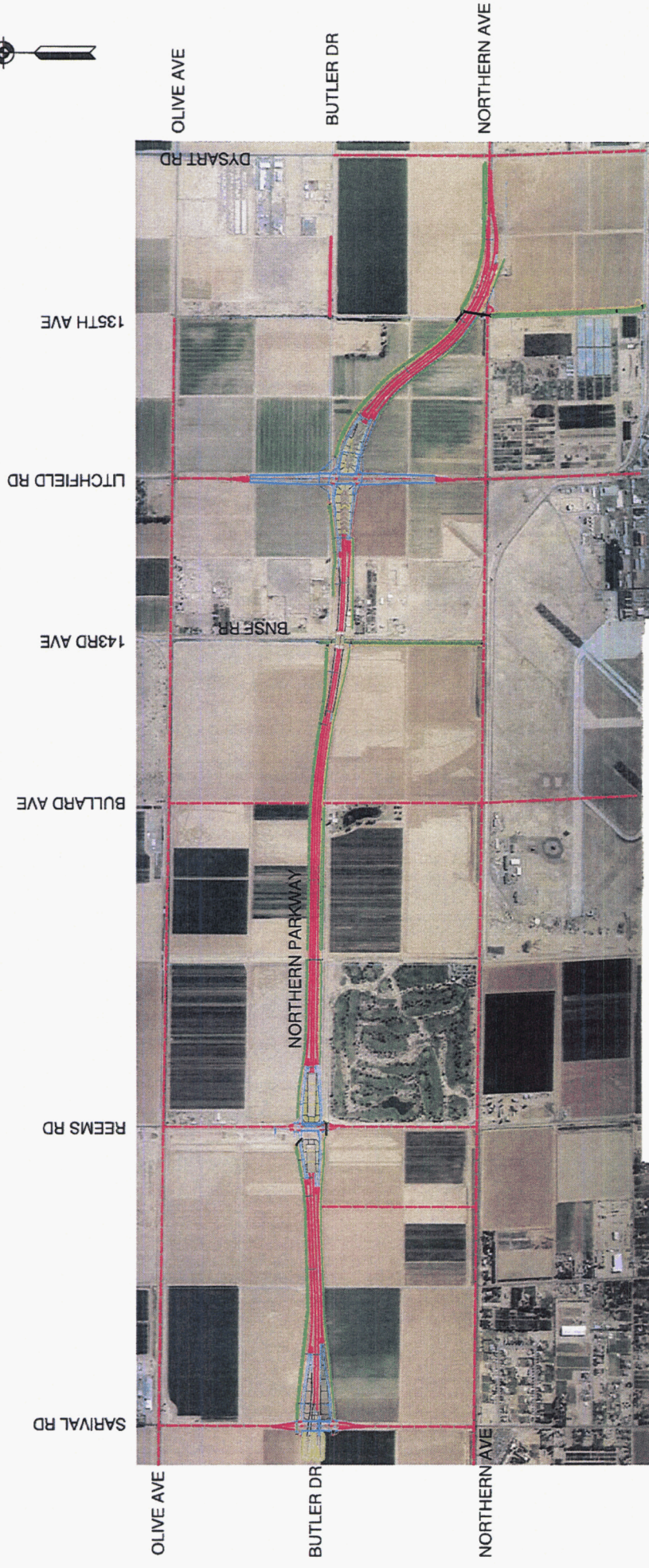
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## ATTACHMENT C

### PROJECT MAP

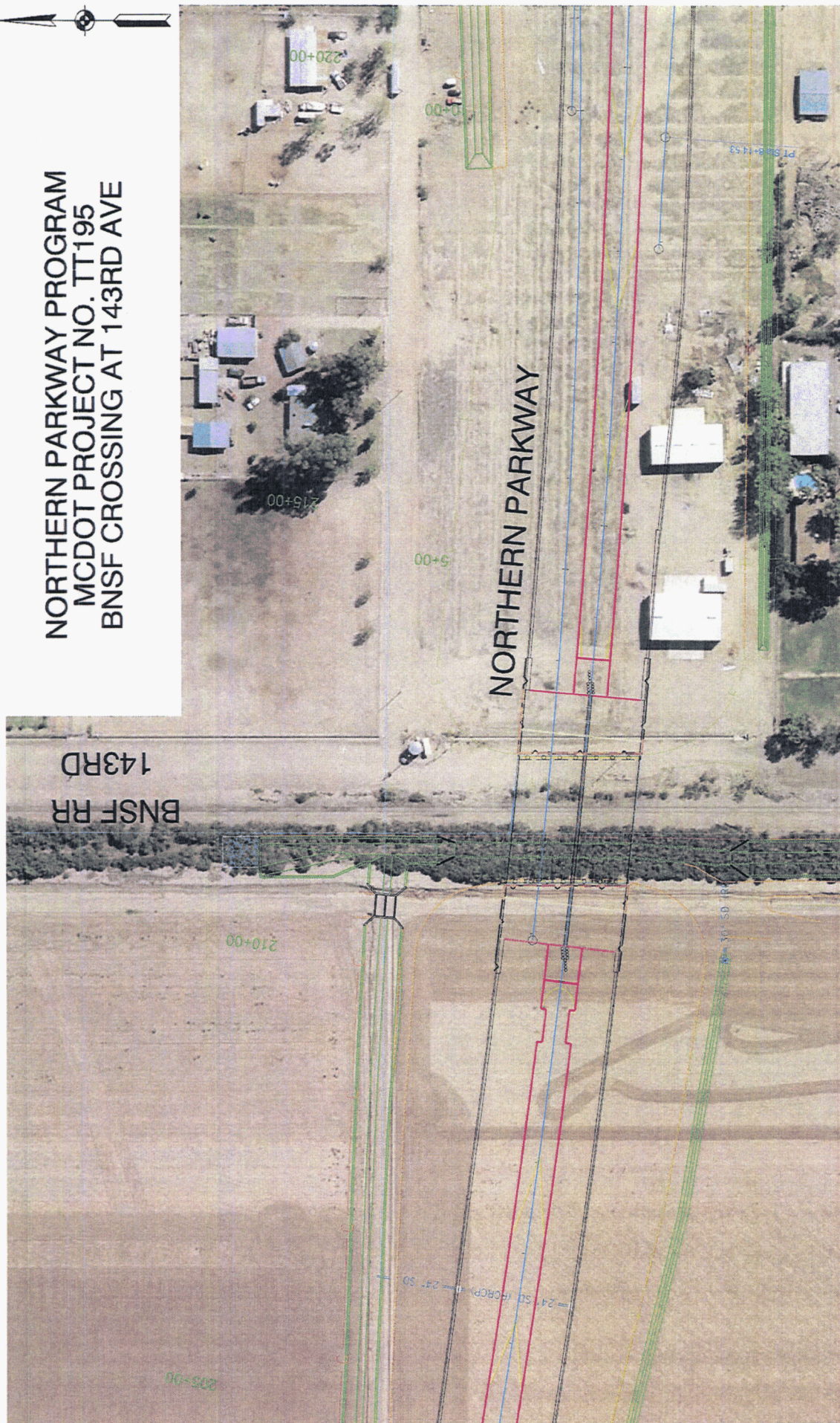


# NORTHERN PARKWAY PROGRAM MCDOT PROJECT NO. TT195 SARIVAL AVE TO DYSART RD





NORTHERN PARKWAY PROGRAM  
MCDOT PROJECT NO. TT195  
BNSF CROSSING AT 143RD AVE



# PARSONS

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Arizona Corporation Commission Office of  
Railroad Safety  
Attn: Chris Watson  
1200 W. Washington Street  
Phoenix, AZ 85007

Date: February 9, 2011

Subject: Arizona Corporation Commission Application  
For BNSF and Northern Parkway

Project: Northern Parkway Program -- Phase 1 Sarival Avenue to Dysart Road  
MCDOT Project No. (TT195)  
Fed No. STP-MMA-0(034)X  
ADOT TRACS No. SS593 01C

From: Michael Wilke, P.E.

This memo is submitted to the Arizona Corporation Commission (ACC) as an application to request a new BNSF crossing, on behalf of Maricopa County Department of Transportation (MCDOT).

## 1. Location of Crossing

Northern Parkway - Sarival Avenue to Dysart Road includes the construction of a new 4 lane roadway. The BNSF crossing is approximately 2,840 feet south of Olive Avenue and approximately 2,600 feet west of Litchfield Road along existing 143<sup>rd</sup> Avenue. Representatives from the ACC, BNSF, MCDOT, and Parsons attended a field meeting on April 14, 2010.

## 2. Why the Crossing is Needed

The grade separated crossing is needed to span the existing BNSF railroad spur along 143<sup>rd</sup> Avenue. The alignment of Northern Parkway will directly impact this track.

## 3. Why the Existing Crossing Cannot be Grade Separated

There is currently no existing crossing. A grade separated crossing is proposed to cross the BNSF railroad at this location. All pedestrian or vehicle traffic is prohibited from crossing the railroad along 143<sup>rd</sup> Avenue.

## 4. Type of Warning Devices to be Installed

There are no existing warning devices at the site of the proposed crossing. No warning devices are proposed for the grade separated crossing.

## 5. Who will Maintain the Crossing Warning Devices

BNSF will continue to own and maintain the existing railroad tracks and R/W along 143<sup>rd</sup> Avenue. MCDOT will own and maintain the bridge crossing structure and all approaching roadway, signing, lighting and all other items associated with the Northern Parkway roadway.

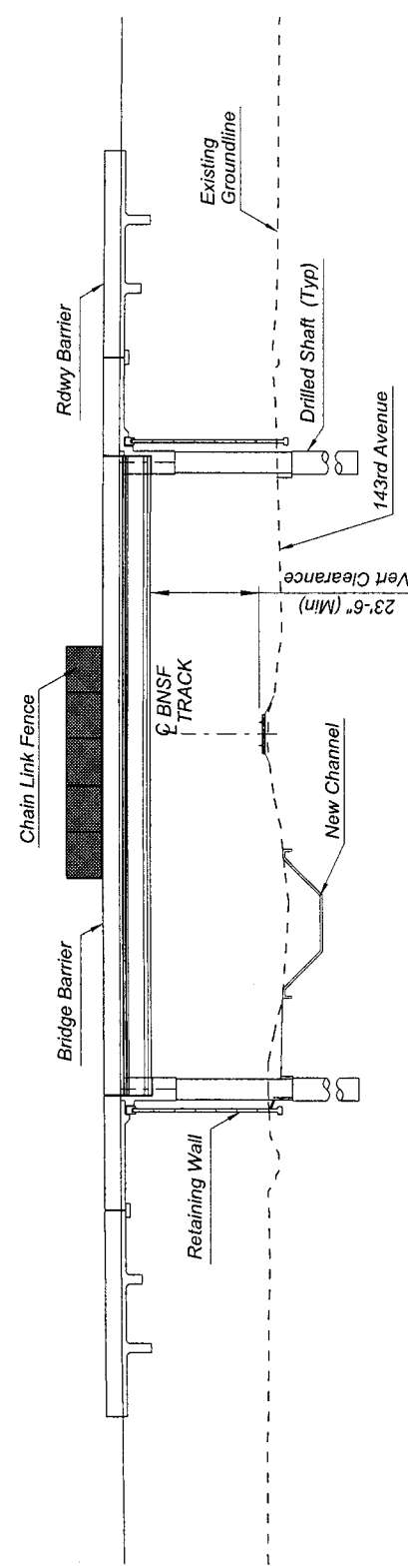
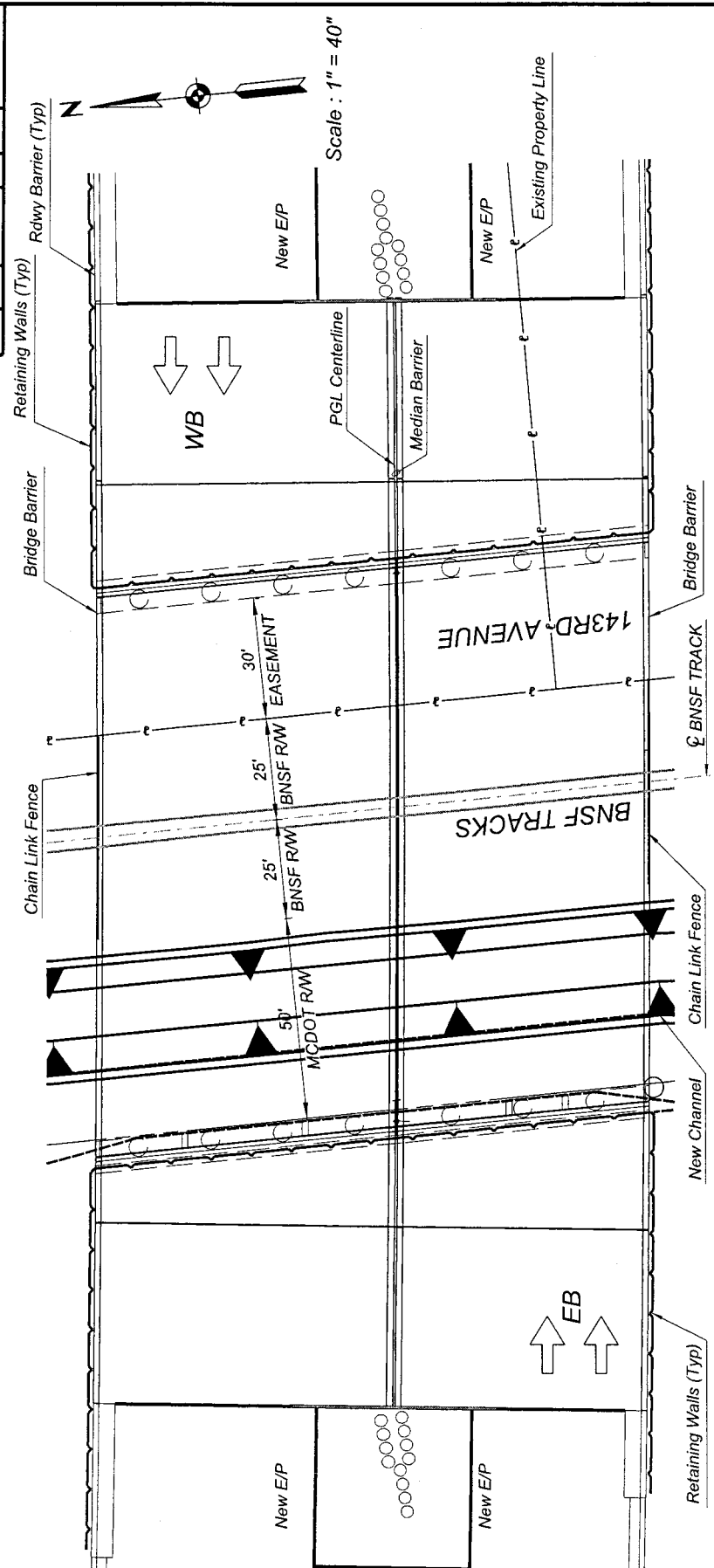
## 6. Who is Funding the Project

MCDOT, City of Glendale, City of Peoria, City of El Mirage and Federal funds

cc: Kelly Roy/ MCDOT  
Project File No: 647169 - 24



F.T.W.A.	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	RECORD DRAWING
9	AZ	TT195	1	1	



MARICOPA COUNTY  
DEPARTMENT OF TRANSPORTATION  
ENGINEERING DIVISION  
NORTHERN PARKWAY  
SARIVAL AVENUE TO DYSART ROAD  
PROJECT NO. TT195

**PARSONS**

SHEET  
1 of 1

TRACS NO. SS553 01C

ORIGINAL

MEMORANDUM



To: THE COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

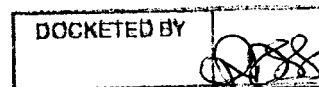
From: Steven M. Olea  
Interim Director  
Safety Division

2011 JUN 17 A 11:14

JUN 17 2011

Date: June 17, 2011

AZ CORP COMMISSION  
DOCKET CONTROL



RE: IN THE MATTER OF THE APPLICATION OF THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION TO ESTABLISH A NEW GRADE SEPARATED PUBLIC RAILROAD CROSSING AT NORHTERN PARKWAY ABOVE THE TRACKS OF THE BURLINGTON NORTHERN SANTA-FE RAILWAY IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. RR-02635B-11-0125

**Background**

On March 21, 2011, the Maricopa County Department of Transportation ("MCDOT") filed with the Arizona Corporation Commission ("Commission") an application for the establishment of a new public grade separated railroad crossing on Northern Parkway above the tracks of the Burlington Northern Santa Fe Railway ("Railroad") in Maricopa County ("County"), Arizona.

**Geographical Information**

This new grade separated structure will be located in the County, with adjacent land belonging to the City of Glendale ("City"). Per the City's website the population according to the U.S. 2010 Census is 226,721.

The proposed grade separation will traverse a spur line named "Luke Spur" and 143<sup>rd</sup> Avenue. The spur formerly served Luke Air Force Base, but is no longer in service. The spur line parallels 143<sup>rd</sup> Avenue in a north/south direction. There is no existing at grade-crossing at this location.

**NORTHERN PARKWAY**

The future 12.5 mile segment of Northern Parkway extending between State Route ("SR") Loop 303 and US 60/Grand Avenue will traverse along the current Butler Road alignment between SR Loop 303 and Litchfield Road north of Luke Air Force Base and then shift southeastward along the current alignment of Northern Avenue through the jurisdictions of the County, El Mirage, Peoria and the City. (See Appendix "A") The new grade separated structure at the Railroad will provide for a total of seven lanes with three lanes eastbound and westbound along with an acceleration lane in the westbound direction. The estimated cost for the grade separated structure is \$1,882,075. Federal funds will be used to fund 70% of the grade separated structure totaling \$1,317,453. The remaining 30% will be funded from local sources including MCDOT, the City, the City of Peoria and the City of El Mirage. The Railroad is not

contributing to the cost of the project because there is no existing at-grade crossing being eliminated. In mid May 2011, utility crews began relocation of utilities in preparation of the road construction. Road construction is scheduled to begin in August 2011, with completion in September 2012.

The posted speed limit on 143<sup>rd</sup> Avenue that parallels the spur track is 15 MPH. The nearest public crossing is Olive Avenue. It is approximately half a mile north of the proposed project site and is an at-grade crossing.

### **Train Data**

Data provided by the railroad to MCDOT regarding train movements through this area are as follows:

**Train Count:** 1 to 2 trains per week

**Train Speed:** 10 mph freight

**Thru Freight/Switching Moves:** switching movements only

### **Schools and Bus Routes**

The project site is in the Dysart Unified School District, No. 89. The following schools are part of this district within the project area:

- ✓ Dysart High School, 11425 N Dysart Road, El Mirage.
- ✓ Valley Vista High School, 15550 N. Parkview Pl., Surprise.
- ✓ Luke Elementary School, 7300 N. Dysart Road, Glendale.
- ✓ Dysart Elementary School, 12950 W. Varney Road, El Mirage.
- ✓ Rancho Gabriela Elementary School, 15272 W. Gabriela Drive, Surprise.

Per a phone conversation with Tracy Keily of the Dysart Unified School Transportation Division, 143<sup>rd</sup> Avenue is not part of the school district's bus route. The closest bus stop is at 143<sup>rd</sup> Avenue and Olive Avenue.

### **Hospitals**

The nearest hospitals to the proposed project site are:

- ✓ Banner Del E Web Medical Center, 14502 W. Meeker Blvd., Sun City.
- ✓ West Valley Hospital, 13677 W. McDowell Road, Goodyear.

### **Hazardous Materials**

MCDOT gave the following response when asked about hazardous materials crossing this crossing:

N/A

### **Zoning**

Staff requested MCDOT to provide information regarding the type of zoning in adjacent areas from the crossing. The following was its response:

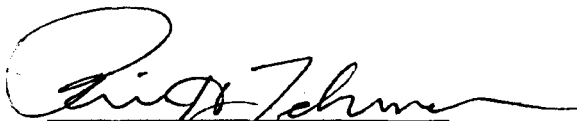
*The parcels immediately surrounding the crossing are identified as AD-2 Airport District per county and restricted due to the proximity of Luke Air Force Base. Parcels to the west and to the north of the crossing are identified as Rural-43 Rural Zoning District – 1 Acre per dwelling unit. Currently the area to the west of the tracks is farm land but industrial park development is anticipated. Areas to the north and east of the tracks are currently residential.*

### **Grade Separation**

In the area of the project site, Northern Parkway is to be fully access controlled with grade separated crossings proposed at each cross road between SR Loop 303 and 115<sup>th</sup> Avenue. No access will be provided at 143<sup>rd</sup> Avenue which parallels the Railroad's tracks; therefore a grade separated crossing is the preferred alternative.

### **Staff Conclusions**

Having reviewed all applicable data, Staff supports MCDOT's application. Staff believes the grade separation is in the public's interest and is reasonable. Staff believes that the measures proposed by MCDOT are consistent with other similar grade-separated crossings in the State and will provide for the public's safety. Therefore, Staff recommends approval of MCDOT's application.

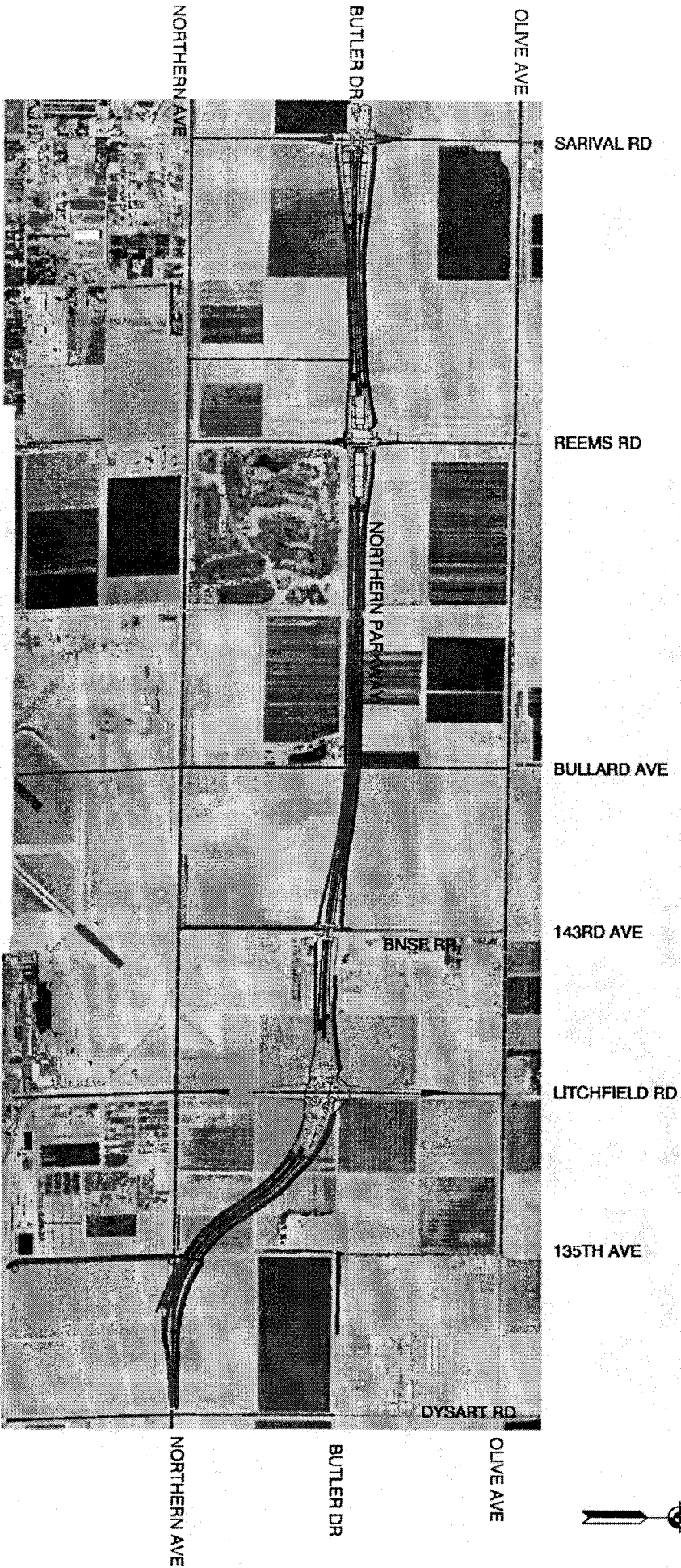
A handwritten signature in black ink, appearing to read "Brian H. Lehman", with a long horizontal flourish extending to the right.

Brian H. Lehman  
Railroad Safety Supervisor  
Safety Division

Originator: BHL

# **“Appendix A”**

# NORTHERN PARKWAY PROGRAM MCDOT PROJECT NO. TT195 SARIVAL AVE TO DYSART RD



COPIES of the foregoing mailed  
This 17th day of June, 2011 to:

Docket No. RR-02635B-11-0125

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